

2007-2008 CHARTER ISSUE SUMMARY

Charter Amendment by Initiative

Issue subject: Should the charter establish a procedure for charter amendment by citizen initiative, and if so, what should the signature threshold be?

Issue raised by: In the course of the public hearing process, several citizens, organizations and elected officials commented on the charter amendment initiative process, including King County Executive Ron Sims, King County Councilmember Larry Phillips, the King County Democrats and Republicans, the Suburban Cities Association, and the Municipal League of King County, in addition to two citizens. Comments have ranged from people favoring the citizen initiative process to opposing the initiative process. While some suggested allowing the initiative process with a different signature threshold.

Description of issue: Currently, the county charter explicitly authorizes only the County Council to place proposed charter amendments on the ballot. However, a recent Washington State Supreme Court ruling broadly construed charter initiative language to also allow charter amendments by citizen initiative. The charter does not, though, provide clear direction on procedures for charter amendment by citizen initiative, and the current signature threshold for such amendments defaults to the specified threshold for ordinance initiatives: 10% of votes cast in the last King County Executive election. The Governmental Structure subcommittee believed that the 10% threshold was too low a hurdle to get a charter amendment onto the ballot, and therefore voted to establish a charter amendment initiative signature threshold of 20%.

Suggested charter revision:

Section 800.10 Charter Review and Amendment.

At least every ten years after the adoption of this charter, the county executive shall appoint a citizen commission of not less than fifteen members whose mandate shall be to review the charter and present, or cause to be presented, to the county council a written report recommending those amendments, if any, which should be made to the charter. This citizen commission shall be composed of at least one representative from each of the county council districts.

The county council may propose amendments to this charter by enacting an ordinance to submit a proposed amendment to the voters of the county at the next general election occurring more than forty-five days after the enactment of the ordinance. An ordinance proposing an amendment to the charter shall not be subject to the veto power of the county executive. Publication of a proposed amendment and notice of its submission to the voters of the county shall be made in accordance with the state constitution and general law. If the proposed amendment is approved by a majority of the voters voting on

the issue, it shall become effective ten days after the results of the election are certified unless a later date is specified in the amendment.

800.20 Amendments by the Public.

The public may propose amendments to the charter by filing petitions with the county council bearing signatures equal in number to but not less than **twenty percent** of the votes cast in the county for the office of county executive at the last preceding election for county executive. The petitions shall contain the full text of the proposed charter amendment. Publication of a proposed amendment and notice of its submission to the voters shall be made in accordance with the state constitution and general law. Submittal to the voters shall occur at the next general election occurring more than one hundred thirty-five days after the petitions are filed. Within ninety days after the petitions are filed, the county council may enact an ordinance to submit a substitute charter amendment concerning the same subject matter on the same ballot with the proposed amendment; and the voters shall first be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other. If a majority of the voters voting on the first issue is for either, then the version receiving the majority of the votes cast on the second issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither version shall be approved regardless of the vote on the second issue. Any amendment that is approved by a majority of the voters voting on the issue shall become effective ten days after the results of the election are certified unless a later date is specified in the amendment.

Summary of arguments for and against:

Pro: The Supreme Court's ruling allowing charter change by initiative needs follow up by the county to clarify implementation. Citizens should be permitted to amend the charter through the citizen initiative process provided the signature threshold is rigorous enough. This option creates a clearer legal environment, and a more responsive government.

Con: The Freeholders decided not to permit the charter to be amended by citizen initiative. They viewed the charter as a fundamental document that should not be changed easily. King County Democrats oppose amending the charter by citizen initiative, in order to ensure that the charter continues to be difficult to amend.

(Those holding this position have to abide by the Washington Supreme Court decision, allowing citizen initiatives with a 10% signature requirement. But they would like to see a charter amendment to make clear that there is no right to amend the charter by citizen initiative which, according to the PAO, would be consistent with the State Supreme Court decision. This was specifically pointed out by Kurt Triplett, Chief of Staff to Ron Sims during his presentation to the full commission.)

Subcommittee Recommendations: Amend Section 800 with the above language in order to ensure that the King County Charter is consistent with and clear on the implementation of the state Supreme Court ruling allowing citizens to amend the charter by initiative. In addition, set the signature threshold for charter initiatives at 20% so that the charter continues to be somewhat difficult to amend, but provides the means for citizens to initiate charter amendments.

Reference documents: Comments expressed in public meetings (April 24, 2007 and June 5, 2007) and in letters to the CRC (SCA, September 20, 2007).

Instructions for Submitting Charter Review: Recommend to Council the addition of above language to Section 800 Charter Review and Amendments to establish a clear and reasonable process and signature threshold for allowing charter amendments by citizen initiative.